

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2012 Legislative Session, Legislative Day No. : June 26, 2012

Bill No.: 1219


Expiration Date: August 30, 2012

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY

By the Council: June 26, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order 
Susan W. Moran, Secretary

A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 60, Talbot County Code, *Code of Ethics* is hereby repealed and reenacted in its entirety, as set forth in the attachment entitled, *Talbot County Public Ethics Ordinance*, Chapter 60, Talbot County Code, which is incorporated by reference herein.

SECTION TWO: BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

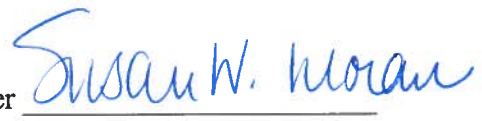
PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1219 having been published, a public hearing was held on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland

BY THE COUNCIL

Read the third time.

ENACTED: **July 24, 2012**

By Order 
Susan W. Moran, Secretary

Pack	-	Aye
Hollis	-	Aye
Bartlett	-	Aye
Price	-	Aye
Duncan	-	Aye

**TALBOT COUNTY PUBLIC ETHICS ORDINANCE
CODE, CHAPTER 60**

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Appendix B — Model Ethics Law B

Authority: State Government Article, §§15-205,
15-206, and Title 15, Subtitle 8, Annotated Code of
Maryland

CHAPTER 60 – ETHICS PROVISIONS

§ 60-1. Short title

- 1 This chapter may be cited as the Talbot County
2 Public Ethics Ordinance.

§ 60-2. Definitions

- 3 (a) “Candidate” means a candidate for election to
4 the County Council.
5 (b) “Commission” means the Talbot County Ethics
6 Commission.

- 7 (c) “County” means Talbot County, Maryland.

- 8 (d) “County Council” or “Council” means the
9 Talbot County Council.

- 10 (e) “Doing business with the County” means being
11 a party to any one or any combination of sales,
12 purchases, leases, or contracts to, from, or with
13 the County, or any agency of the County,
14 involving consideration of \$5,000 or more on a
15 cumulative basis during the calendar year for
16 which a required statement is to be filed.

- 17 (f) “Elected official” means a member of the
18 County Council. It does not include the
19 Sheriff, the State’s Attorney, or the Register of
20 Wills.

- 21 (g) “Employee” or “employees” means all full-time
22 County employees.

- 23 (h) “Financial interest” means:

- 24 (1) Ownership of any interest as the result of
25 which the owner has received, within the
26 past 3 years, or is presently receiving, or in
27 the future is entitled to receive, more than
28 \$1,000 per year; or

- 29 (2) Ownership or the ownership of securities
30 of any kind representing or convertible into
31 ownership, of more than 3 percent of a
32 business entity by the official or employee
33 or the official or employee’s spouse.

- 34 (i) “Gift” means the transfer of anything of
35 economic value, regardless of the form,
36 without adequate and lawful consideration.
37 “Gift” does not include a political campaign
38 contribution regulated under the Election Law
39 Article, Annotated Code of Maryland, or any
40 other provision of state or local law regulating
41 the conduct of elections or the receipt of
42 political campaign contributions. [this is
43 merely a suggested change, not, required,]

- 44 (j) “Interest” means any legal or equitable eco-
45 nomic interest, whether or not subject to an
46 encumbrance or a condition, which was owned
47 or held, in whole or in part, jointly or
48 severally, directly or indirectly. For purposes
49 of financial disclosure under § 60-5 of this
50 chapter “interest” applies to interests held at
51 any time during the calendar year for which a

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- 52 required statement is to be filed. "Interest"
53 does not include:
- 54 (1) An interest held in the capacity of a
55 personal representative, agent, custodian,
56 fiduciary, or trustee, unless the holder has
57 an equitable interest therein;
- 58 (2) An interest in a time or demand deposit in
59 a financial institution;
- 60 (3) An interest in an insurance or endowment
61 policy or annuity contract under which an
62 insurance company promises to pay a fixed
63 number of dollars either in a lump sum or
64 periodically for life or some other specified
65 period; or
- 66 (4) A common trust fund or a trust which
67 forms part of a pension or profit sharing
68 plan which has more than 25 participants
69 and which has been determined by the
70 Internal Revenue Service to be a qualified
71 trust under sections 401 and 501 of the
72 Internal Revenue Code of 1954.
- 73 (k) "Nonelected officials" means the county
74 manager, county attorney, county department
75 heads, , the chief code compliance officer, the
76 alcoholic beverages inspector, members of the
77 Electrical Board, members of the Board of
78 Appeals, and members of the Planning
79 Commission.
- 80 (l) "Official" means both elected officials and
81 nonelected officials.
- 82 (m) "Qualified Relative" means a spouse, parent,
83 child, or sibling.
- § 60-3. Applicability**
- 84 The provisions of this chapter apply to all elected
85 officials and all nonelected officials and employees
86 as set forth herein.
- § 60-4. Ethics Commission**
- 87 There is a Talbot County Ethics Commission that
88 consists of five (5) members appointed by the
89 County Council.
- 90 (a) The Commission shall:
- 91 (1) Devise, receive, and maintain all forms
92 required by this chapter;
- 93 (2) Develop procedures and policies for
94 advisory opinion requests and provide
95 published advisory opinions to persons
96 subject to this chapter regarding the
97 applicability of the provisions of this
98 chapter to them;
- 99 (3) Develop procedures and policies for the
100 processing of complaints to make
101 appropriate determinations regarding
102 complaints filed by any person alleging
103 violations of this chapter; and
- 104 (4) Conduct a public information program
105 regarding the purposes and application of
106 this chapter.
- 107 (b) The Commission shall certify to the State
108 Ethics Commission on or before October 1 of
109 each year that the County is in compliance
110 with the requirements of State Government
111 Article, Title 15, Subtitle 8, Annotated Code of
112 Maryland, for elected local officials.
- 113 (c) The Commission shall have advisory authority
114 to recommend changes to this chapter
115 consistent with the requirements of State
116 Government Article, Title 15, Subtitle 8,
117 Annotated Code of Maryland, and to forward
118 any recommended changes to the County
119 Council for consideration.
- 120 (d) The Commission may adopt policies and
121 procedures to implement the Commission's
122 programs established in this chapter.
- 123 (e) Commission members shall serve three-year
124 terms staggered so that no more than two
125 terms expire in any single calendar year.
126 Members shall be residents of the County.
127 Vacancies occurring prior to expiration of the
128 term shall be filled in the same manner as an
129 original appointment for the unexpired term.
130 The Commission shall annually elect a
131 Chairman and vice-chairman from its
132 membership, and shall adopt rules of
133 procedure not inconsistent with the terms of
134 this Chapter to govern its meetings. The
135 presence of three members shall constitute a
136 quorum, and the affirmative vote of a majority
137 of the members present at any meeting shall be

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138 sufficient for transaction of any business.
139 Members of the Commission shall receive no
140 compensation for their services.

§ 60-5. Conflicts of interest, elected officials

141 This section applies to elected officials.

142 (a) Participation prohibitions. Except as permitted
143 by Commission regulation or opinion, an
144 elected official may not participate in:

145 (1) Any matter in which, to the knowledge of
146 the elected official, the elected official or
147 a qualified relative of the elected official
148 has an interest.

149 (2) Any matter in which any of the following
150 is a party:

151 (A) A business entity in which the elected
152 official has a direct financial interest of
153 which the elected official may
154 reasonably be expected to know;

155 (B) A business entity for which the elected
156 official, or a qualified relative of
157 elected official is an officer, director,
158 trustee, partner, or employee;

159 (C) A business entity with which the
160 elected official or, to the knowledge of
161 the elected official, a qualified relative
162 is negotiating employment or has any
163 arrangement concerning prospective
164 employment.

165 (D) If the contract reasonably could be
166 expected to result in a conflict between
167 the private interests of the elected
168 official and the official duties of the
169 elected official, a business entity that is
170 a party to an existing contract with the
171 elected official, or which, to the
172 knowledge of the elected official, is a
173 party to a contract with a qualified
174 relative;

175 (E) An entity, doing business with the
176 County, in which a direct financial
177 interest is owned by another entity in
178 which the elected official has a direct
179 financial interest, if the elected official
180 may be reasonably expected to know of

181 both direct financial interests; or

182 (F) A business entity that:

183 (i) The elected official knows is a
184 creditor or obligee of the elected
185 official or a qualified relative of the
186 elected official with respect to a
187 thing of economic value; and

188 (ii) As a creditor or obligee, is in a
189 position to directly and substan-
190 tially affect the interest of the
191 elected official or a qualified
192 relative of the elected official.

193 (3) An elected official who is disqualified from
194 participating under paragraphs (1) or (2) of
195 this subsection shall disclose the nature and
196 circumstances of the conflict and may
197 participate or act if:

198 (A) The disqualification leaves a body with
199 less than a quorum capable of acting;
200 or,

201 (B) The disqualified elected official is
202 required by law to act; or

203 (C) The disqualified elected official is the
204 only person authorized to act.

205 (4) The prohibitions of paragraph (1) and (2)
206 of this subsection do not apply to the
207 exercise of an administrative or minis-
208 terial duty that does not affect the
209 disposition or decision with respect to the
210 matter.

**§ 60-6. Conflict of interest, nonelected officials
and employees**

211 This section applies to nonelected officials and
212 employees.

213 (a) Participation prohibitions. Except as permitted
214 by Commission regulation or opinion, a
215 nonelected official or employee may not
216 participate in a County matter that would have
217 a direct and economic impact, distinct from the
218 impact on the public at large, on the
219 nonelected official or employee or that, to the
220 knowledge of the nonelected official or

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221 employee, would have a direct economic
222 impact on:

223 (1) A spouse, parent, sibling, or child of the
224 nonelected official or employee; or

225 (2) A business entity with which any of the
226 following is affiliated:

227 (A) The nonelected official or employee; or

228 (B) A spouse, parent, sibling, or child of
229 the nonelected official or employee.

230 (b) The Commission may:

231 (1) Grant exceptions to the participation
232 restrictions in this section where no conflict
233 of interest exists or when the interest is too
234 remote and insubstantial to affect the
235 integrity of the public actions of the
236 nonelected official or employee; and,

237 (2) Authorize participation notwithstanding a
238 conflict when the disqualification would
239 leave a body with less than a quorum
240 capable of acting, the disqualified
241 nonelected official or employee is required
242 by law to act, or the disqualified
243 nonelected official or employee is the only
244 individual authorized to act.

**§ 60-7. Employment and financial interest
restrictions**

245 Except as permitted by regulation of the
246 Commission when the interest is disclosed or when
247 the employment does not create a conflict of
248 interest or appearance of conflict, an official or
249 employee may not be employed by or have a
250 financial interest in any entity:

251 (a) Subject to the authority of the official or
252 employee or the County agency, board,
253 commission with which the official or
254 employee is affiliated; or

255 (b) That is negotiating or has entered a contract
256 with the agency, board, or commission with
257 which the official or employee is affiliated; or

258 (c) Hold any other employment relationship that
259 would impair the impartiality or independence
260 of judgment of the official or employee.

261 (d) This prohibition does not apply to:

262 (1) An official or employee who is appointed
263 to a regulatory or licensing authority pur-
264 suant to a statutory requirement that
265 persons subject to the jurisdiction of the
266 authority be represented in appointments
267 to the authority;

268 (2) Subject to other provisions of law, a
269 member of a board or commission with
270 regard to a financial interest or employ-
271 ment held at the time of appointment,
272 provided the financial interest or employ-
273 ment is publicly disclosed to the appointing
274 authority and the Commission;

275 (3) An official or employee whose duties are
276 ministerial, if the private employment or
277 financial interest does not create a conflict
278 of interest or the appearance of a conflict
279 of interest, as permitted by and in
280 accordance with regulations adopted by the
281 Commission; or,

282 (4) Employment or financial interests allowed
283 by regulation of the Commission if the
284 employment does not create a conflict of
285 interest or the appearance of a conflict of
286 interest or the financial interest is
287 disclosed.

**§ 60-8. Post-employment limitations and re-
strictions**

288 (a) A former official or employee may not assist or
289 represent any party other than the County for
290 compensation in a case, contract, or other
291 specific matter involving the County if that
292 matter is one in which the former official or
293 employee significantly participated as an
294 official or employee.

295 (b) Until the conclusion of the next regular session
296 that begins after the elected official leaves
297 office, a former member of the County
298 Council may not assist or represent another
299 party for compensation in a matter that is the
300 subject of legislative action.

301 (c) Contingent compensation. Except in a judicial
302 or quasi-judicial proceeding, an official or
303 employee may not assist or represent a party

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304	for contingent compensation in any matter	343	presence of the donor or sponsoring
305	before or involving the County.	344	entity;
	§ 60-9. Use of prestige of office	345	(2) Ceremonial gifts or awards that have
		346	insignificant monetary value;
306	(a) An official or employee may not intentionally		
307	use the prestige of office or public position for	347	(3) Unsolicited gifts of nominal value that do
308	the private gain of that official or employee or	348	not exceed \$20 in cost or trivial items of
309	the private gain of another.	349	informational value;
310	(b) This subsection does not prohibit the perfor-	350	(4) Reasonable expenses for food, travel,
311	mance of usual and customary constituent	351	lodging, and scheduled entertainment of
312	services by an elected official without	352	the official or the employee at a meeting
313	additional compensation.	353	which is given in return for the
		354	participation of the official or employee in
	§ 60-10. Solicitation and acceptance of gifts	355	a panel or speaking engagement at the
		356	meeting;
314	(a) An official or employee may not solicit any		
315	gift.	357	(5) Gifts of tickets or free admission extended
		358	to an elected official to attend a charitable,
316	(b) An official or employee may not directly	359	cultural, or political event, if the purpose of
317	solicit or facilitate the solicitation of a gift, on	360	this gift or admission is a courtesy or
318	behalf of another person, from an individual	361	ceremony extended to the elected official's
319	regulated lobbyist.	362	office;
320	(c) An official or employee may not knowingly	363	(6) A specific gift or class of gifts that the
321	accept a gift, directly or indirectly, from a	364	Commission exempts from the operation of
322	person that the official or employee knows or	365	this subsection upon a finding, in writing,
323	has the reason to know:	366	that acceptance of the gift or class of gifts
		367	would not be detrimental to the impartial
324	(1) Is doing business with or seeking to do	368	conduct of the business of the County and
325	business with the County office, agency,	369	that the gift is purely personal and private
326	board, or commission with which the	370	in nature;
327	official or employee is affiliated;		
		371	(7) Gifts from a person related to the official
328	(2) Has financial interests that may be	372	or employee by blood or marriage, or any
329	substantially and materially affected, in a	373	other individual who is a member of the
330	manner distinguishable from the public	374	household of the official or employee; or
331	generally, by the performance or nonper-		
332	formance of the official duties of the	375	(8) Honoraria for speaking to or participating
333	official or employee;	376	in a meeting, provided that the offering of
		377	the honorarium is not related in any way to
334	(3) Is engaged in an activity regulated or	378	the official's or employee's official
335	controlled by the official's or employee's	379	position.
336	department, board, or commission; or		
		380	(e) Paragraph (d) of this subsection does not apply
337	(4) Is a lobbyist with respect to matters within	381	to a gift:
338	the jurisdiction of the official or employee.		
		382	(1) That would tend to impair the impartiality
339	(d) Notwithstanding paragraphs (c) (1) through (4)	383	and the independence of judgment of the
340	of this subsection, an official or employee may	384	official or employee receiving the gift;
341	accept the following:		
		385	(2) Of significant value that would give the
342	(1) Meals and beverages consumed in the	386	appearance of impairing the impartiality

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387 and independence of judgment of the
388 official or employee; or

389 (3) Of significant value that the recipient
390 official or employee believes or has reason
391 to believe is designed to impair the
392 impartiality and independence of judgment
393 of the official or employee.

§ 60-11. Disclosure of confidential information

394 Other than in the discharge of official duties, an
395 official or employee may not disclose or use
396 confidential information that the official or
397 employee acquired by reason of the official's or
398 employee's public position and that is not available
399 to the public, for the economic benefit of the
400 official or employee or that of another person.

§ 60-12. Participation in procurement

401 (a) An individual or a person that employs an
402 individual who assists a County agency in the
403 drafting of specifications, an invitation for
404 bids, or a request for proposals for a procure-
405 ment may not submit a bid or proposal for that
406 procurement or assist or represent another
407 person, directly or indirectly, who is submit-
408 ting a bid or proposal for the procurement.

409 (b) The Commission may establish exemptions
410 from the requirements of this section for
411 providing descriptive literature, sole source
412 procurements, and written comments solicited
413 by the procuring agency.

**§ 60-13. Financial disclosure – elected officials
and candidates**

414 This section applies to elected officials and
415 candidates.

416 (a) Except as provided in subsection (b) of this
417 section, elected officials and candidates shall
418 file a financial disclosure statement required
419 under this section:

420 (1) On a form provided by the Commission;

421 (2) Under oath or affirmation; and

422 (3) With the Commission.

423 (b) Deadlines for filing statements

424 (1) An incumbent elected official shall file a
425 financial disclosure statement annually no
426 later than April 30 of each year for the
427 preceding calendar year.

428 (2) An individual who is appointed to fill a
429 vacancy in an office for which a financial
430 disclosure statement is required and who
431 has not already filed a financial disclosure
432 statement shall file a statement for the
433 preceding calendar year within 30 days
434 after appointment.

435 (3) An individual who, other than by reason of
436 death, leaves an office for which a
437 statement is required shall file a statement
438 within 60 days after leaving the office.

439 (c) The statement shall cover:

440 (1) The calendar year immediately preceding
441 the year in which the individual left
442 office, unless a statement covering that
443 year has already been filed by the
444 individual; and

445 (2) The portion of the current calendar year
446 during which the individual held the office.

447 (d) Candidates

448 (1) Except for an elected official who has
449 filed a financial disclosure statement
450 under another provision of this section for
451 the reporting period, a candidate shall file
452 a financial disclosure statement each year
453 beginning with the year in which the
454 certificate of candidacy is filed through
455 the year of the election.

456 (2) Candidates shall file a statement required
457 under this section:

458 (A) In the year the certificate of candidacy
459 is filed, no later than the filing of the
460 certificate of candidacy;

461 (B) In the year of the election, on or before
462 the earlier of April 30 or the last day
463 for the withdrawal of candidacy; and

464 (C) In all other years for which a statement
465 is required, on or before April 30.

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466	(3) A candidate:	510	(B) The name of the person whose financial
		511	disclosure statement was examined or
467	(A) May file the statement required under §	512	copied.
468	60-5(d)(2)(A) of this chapter with the		
469	Board of Election Supervisors with the	513	(4) Upon request by the official or employee
470	certificate of candidacy or with the	514	whose financial disclosure statement was
471	Commission prior to filing the certif-	515	examined or copied, the Commission or
472	icate of candidacy; and	516	the office designated by the Commission
		517	shall provide the official with a copy of the
473	(B) Shall file the statements required under	518	name and home address of the person who
474	§ 60-5(d)(2)(B) and (C) with the Com-	519	reviewed the official's financial disclosure
475	mission.	520	statement.
476	(4) If a candidate fails to file a statement	521	(f) Retention requirements. The Commission or the
477	required by this section after written notice	522	office designated by the Commission shall
478	is provided by the Board of Election	523	retain financial disclosure statements for four
479	Supervisors at least 20 days before the last	524	years from the date of receipt.
480	day for the withdrawal of candidacy, the		
481	candidate is deemed to have withdrawn the	525	(g) Contents of statement
482	candidacy.		
		526	(1) Interests in real property
483	(5) The Board of Election Supervisors may not		
484	accept any certificate of candidacy unless a	527	(A) A statement filed under this section
485	statement has been filed in proper form.	528	shall include a schedule of all interests
		529	in real property wherever located.
486	(6) Within 30 days of the receipt of a		
487	statement required under this section, the	530	(B) For each interest in real property, the
488	Board of Election Supervisors shall	531	schedule shall include:
489	forward the statement to the Commission		
490	or the office designated by the Com	532	(i) The nature of the property and the
491	mission.	533	location by street address, mailing
		534	address, or legal description of the
492	(e) Public record	535	property;
493	(1) The Commission or office designated by	536	(ii) The nature and extent of the
494	the Commission shall maintain all finan-	537	interest held, including any
495	cial disclosure statements filed under this	538	conditions and encumbrances on
496	section.	539	the interest;
497	(2) Financial disclosure statements shall be	540	(iii) The date when, the manner in
498	made available during normal office hours	541	which, and the identity of the
499	for examination and copying by the public	542	person from whom the interest was
500	subject to reasonable fees and administra-	543	acquired;
501	tive procedures established by the		
502	Commission.	544	(iv) The nature and amount of the
		545	consideration given in exchange for
503	(3) If an individual examines or copies a	546	the interest or, if acquired other
504	financial disclosure statement, the	547	than by purchase, the fair market
505	Commission or the office designated by the	548	value of the interest at the time
506	Commission shall record:	549	acquired;
507	(A) The name and home address of the	550	(v) If any interest was transferred, in
508	individual reviewing or copying the	551	whole or in part, at any time during
509	statement; and	552	the reporting period, a description

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553	of the interest transferred, the	599	for the interest or, if acquired
554	nature and amount of the	600	other than by purchase, the fair
555	consideration received for the	601	market value of the interest at the
556	interest, and the identity of the	602	time acquired.
557	person to whom the interest was		
558	transferred; and	603	(ii) An individual may satisfy the
		604	requirement to report the amount of
559	(vi) The identity of any other person	605	the interest held under item § 60-5 (g)
560	with an interest in the property.	606	(2) of this paragraph by report-ing,
		607	instead of a dollar amount:
561	(2) Interests in corporations and partnerships		
		608	a. For an equity interest in a
562	(A) A statement filed under this section	609	corporation, the number of shares
563	shall include a schedule of all interests	610	held and, unless the corporation's
564	in any corporation, partnership, limited	611	stock is publicly traded, the
565	liability partnership, or limited liability	612	percentage of equity interest held;
566	corporation, regardless of whether the	613	or
567	corporation or partnership does		
568	business with the County.	614	b. For an equity interest in a
		615	partnership, the percentage of
569	(i) For each interest reported under	616	equity interest held.
570	this paragraph, the schedule shall		
571	include:	617	(3) Interests in business entities doing business
		618	with the County
572	a. The name and address of the		
573	principal office of the	619	(A) A statement filed under this section
574	corporation, partnership, limited	620	shall include a schedule of all interests
575	liability partnership, or limited	621	in any business entity that does
576	liability corporation;	622	business with the County, other than
		623	interests reported under § 60-5 (g) (2)
577	b. The nature and amount of the	624	of this subsection.
578	interest held, including any		
579	conditions and encumbrances on	625	(B) For each interest reported under this
580	the interest;	626	paragraph, the schedule shall include:
581	c. With respect to any interest	627	(i) The name and address of the
582	transferred, in whole or in part, at	628	principal office of the business
583	any time during the reporting	629	entity;
584	period, a description of the		
585	interest transferred, the nature	630	(ii) The nature and amount of the
586	and amount of the consideration	631	interest held, including any condi-
587	received for the interest, and, if	632	tions to and encumbrances in the
588	known, the identity of the person	633	interest;
589	to whom the interest was		
590	transferred; and	634	(iii) With respect to any interest
		635	transferred, in whole or in part, at
591	d. With respect to any interest	636	any time during the reporting
592	acquired during the reporting	637	period, a description of the interest
593	period: (1) The date when, the	638	transferred, the nature and amount
594	manner in which, and the identity	639	of the consideration received in
595	of the person from whom the	640	exchange for the interest, and, if
596	interest was acquired; and, (2)	641	known, the identity of the person to
597	The nature and the amount of the	642	whom the interest was transferred;
598	consideration given in exchange	643	and

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644	(iv) With respect to any interest ac-	687	entity;
645	quired during the reporting period:		
		688	(ii) The title and nature of the office,
646	a. The date when, the manner in	689	directorship, or salaried employ-
647	which, and the identity of the	690	ment held and the date it com-
648	person from whom the interest	691	menced; and
649	was acquired; and,		
		692	(iii) The name of each County agency
650	b. The nature and the amount of	693	with which the entity is involved.
651	the consideration given in ex-		
652	change for the interest or, if	694	(6) Indebtedness to entities doing business
653	acquired other than by purchase,	695	with the County,
654	the fair market value of the		
655	interest at the time acquired.	696	(A) A statement filed under this section
		697	shall include a schedule of all
656	(4) Gifts	698	liabilities, excluding retail credit ac-
		699	counts, to persons doing business with
657	(A) A statement filed under this section	700	the County owed at any time during the
658	shall include a schedule of each gift in	701	reporting period:
659	excess of \$20 in value or a series of		
660	gifts totaling \$100 or more received	702	(i) By the individual; or
661	during the reporting period from or on		
662	behalf of, directly or indirectly, any one	703	(ii) By a member of the immediate
663	person who does business with or is	704	family of the individual if the
664	regulated by the County.	705	individual was involved in the
		706	transaction giving rise to the
665	(B) For each gift reported, the schedule	707	liability.
666	shall include:		
		708	(B) For each liability reported under this
667	(i) A description of the nature and	709	paragraph, the schedule shall include:
668	value of the gift; and		
		710	(i) The identity of the person to
669	(ii) The identity of the person from	711	whom the liability was owed
670	whom, or on behalf of whom,	712	and the date the liability was
671	directly or indirectly, the gift was	713	incurred;
672	received.		
		714	(ii) The amount of the liability owed as
673	(5) Employment with or interests in entities	715	of the end of the reporting period;
674	doing business with the County		
		716	(iii) The terms of payment of the
675	(A) A statement filed under this section	717	liability and the extent to which the
676	shall include a schedule of all offices,	718	principal amount of the liability
677	directorships, and salaried employment	719	was increased or reduced during
678	by the individual or member of the	720	the year; and
679	immediate family of the individual held		
680	at any time during the reporting period	721	(iv) The security given, if any, for the
681	with entities doing business with the	722	liability.
682	County.		
		723	(7) A statement filed under this section shall
683	(B) For each position reported under this	724	include a schedule of the immediate family
684	paragraph, the schedule shall include:	725	members of the elected official and
		726	candidate who are employed by the County
685	(i) The name and address of the	727	in any capacity at any time during the
686	principal office of the business	728	reporting period.

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- 729 (8) Sources of earned income.
- 730 (A) A statement filed under this section
731 shall include a schedule of the name
732 and address of each place of employ-
733 ment and of each business entity of
734 which the individual or a member of
735 the individual's immediate family was
736 a sole or partial owner and from which
737 the individual or member of the indi-
738 vidual's immediate family received
739 earned income, at any time during the
740 reporting period.
- 741 (B) A minor child's employment or busi-
742 ness ownership need not be disclosed if
743 the County does not regulate, exercise
744 authority over, or contract with the
745 place of employment or business entity
746 of the minor child.
- 747 (9) A statement filed under this section may
748 also include a schedule of additional
749 interests or information that the individual
750 making the statement wishes to disclose.
- 751 (h) For the purposes of § 60-5(g) (1), (2), and (3)
752 of this chapter, the following interests are
753 considered to be the interests of the individual
754 making the statement:
- 755 (1) An interest held by a member of the
756 individual's immediate family, if the
757 interest was, at any time during the
758 reporting period, directly or indirectly
759 controlled by the individual.
- 760 (2) An interest held by a business entity in
761 which the individual held a 30% or greater
762 interest at any time during the reporting
763 period.
- 764 (3) An interest held by a trust or an estate in
765 which, at any time during the reporting
766 period:
- 767 (A) The individual held a reversionary
768 interest or was a beneficiary; or
- 769 (B) If a revocable trust, the individual was
770 a settlor.
- 771 (i) Commission review and enforcement
- 772 (1) The Commission shall review the
773 financial disclosure statements submitted
774 under this section for compliance with the
775 provisions of this section and shall notify
776 an individual submitting the statement of
777 any omissions or deficiencies.
- 778 (2) The Commission may take appropriate
779 enforcement action to ensure compliance
780 with this section.
- § 60-14. Financial disclosure – nonelected
officials and employees**
- 781 This section applies to nonelected officials and
782 employees who, acting alone or as members of a
783 board or commission, have decision-making
784 authority or act as principal advisors to a person,
785 board, or commission with that authority in making
786 County policy or exercising quasi-judicial,
787 regulatory, licensing, inspecting, or auditing
788 functions. This section applies to the county
789 manager, county attorney, all department heads, the
790 chief code compliance officer, the liquor inspector,
791 members of the Electrical Board, members of the
792 Planning Commission, and members of the Board
793 of Appeals.
- 794 (a) A statement filed under this section shall be
795 filed with the Commission under oath or
796 affirmation.
- 797 (b) On or before April 30 of each year during
798 which a nonelected official or employee holds
799 office, the nonelected official or employee
800 shall file a statement disclosing gifts received
801 during the preceding calendar year from any
802 person that contracts with or is regulated by
803 the County, including the name of the donor of
804 the gift and the approximate retail value at the
805 time or receipt.
- 806 (c) An official or employee shall disclose
807 employment and interests that raise conflicts
808 of interest or potential conflicts of interest in
809 connection with a specific proposed action by
810 the employee or official sufficiently in
811 advance of the action to provide adequate
812 disclosure to the public.
- 813 (d) The Commission shall maintain all disclosure
814 statements filed under this section as public
815 records available for public inspection and

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816 copying as provided in § 60-5(e) and (f) of this
817 chapter.

§ 60-15. Lobbying

818 (a) A person shall file a lobbying registration
819 statement with the Commission if the person:

820 (1) Personally appears before a County
821 official or employee with the intent to
822 influence that person in performance of
823 the official duties of the official or
824 employee; and

825 (2) In connection with the intent to influence,
826 expends or reasonably expects to expend in
827 a given calendar year in excess of \$250 on
828 food, entertainment, or other gifts for
829 officials or employees of the County.

830 (b) A person shall file a registration statement
831 required under this section on or before the
832 later of January 15 of the calendar year or
833 within 5 days after first performing an act that
834 requires registration in the calendar year.

835 (c) Contents

836 (1) The registration statement shall identify:

837 (A) The registrant;

838 (B) Any other person on whose behalf the
839 registrant acts; and

840 (C) The subject matter on which the
841 registrant proposes to make
842 appearances specified in subsection (a)
843 of this section.

844 (2) The registration statement shall cover a
845 defined registration period not to exceed
846 one calendar year.

847 (d) Within 30 days after the end of any calendar
848 year during which a person was registered
849 under this section, the person shall file a report
850 with the Commission disclosing:

851 (1) The value, date, and nature of any food,
852 entertainment, or other gift provided to a
853 County, official or employee; and

854 (2) If a gift or series of gifts to a single official

855 or employee exceeds \$50.00 in value, the
856 identity of the official or employee.

857 (e) The Commission shall maintain the
858 registrations and reports filed under this
859 section as public records available for public
860 inspection and copying for four years after
861 receipt by the Commission.

§ 60-16. Exemptions and modifications

862 The Commission may grant exemptions and
863 modifications to the provisions of § 60-6 and § 60-
864 13 of this chapter to nonelected officials and
865 employees, when the Commission finds that an
866 exemption or modification would not be contrary
867 to the purposes of this chapter, and the application
868 of this chapter would:

869 (a) Constitute an unreasonable invasion of privacy;
870 and

871 (b) Significantly reduce the availability of qualified
872 persons for public service.

§ 60-17. Enforcement

873 (a) The Commission may:

874 (1) Assess a late fee of \$2 per day up to a
875 maximum of \$250 for a failure to timely
876 file a financial disclosure statement
877 required under §60-6 or §60-7 of this
878 chapter;

879 (2) Assess a late fee of \$10 per day up to a
880 maximum of \$250 for a failure to file a
881 timely lobbyist registration or lobbyist
882 report required under § 60-8 of this
883 chapter; and

884 (3) Issue a cease and desist order against any
885 person found to be in violation of this
886 chapter.

887 (b) Upon a finding of a violation of any provision
888 of this chapter, the Commission may:

889 (1) Issue an order of compliance directing the
890 respondent to cease and desist from the
891 violation;

892 (2) Issue a reprimand; or

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- 893 (3) Recommend to the appropriate authority 937 best interest of the public; or
894 other appropriate discipline of the
895 respondent, including censure or removal if 938 (ii) Notwithstanding subparagraph (B)
896 that discipline is authorized by law. 939 (i), a court may not void any
940 official action appropriating public
897 (c) If the Commission finds that a respondent has 941 funds, levying taxes, or providing
898 violated § 60-14 of this chapter, the 942 for the issuance of bonds, notes, or
899 Commission may: 943 other evidences of public obliga-
944 tions.
- 900 (1) Require a respondent who is a registered 945 (C) Impose a fine of up to \$5,000 for any
901 lobbyist to file any additional reports or 946 violation of the provisions of this
902 information that reasonably relates to the 947 chapter, with each day upon which the
903 information that is required under § 60-8 948 violation occurs constituting a separate
904 of this chapter; 949 offense.
- 905 (2) Impose a fine not exceeding \$5,000 for 950 (d) In addition to any other enforcement provisions
906 each violation; and 951 in this chapter, a person who the Commission
952 or a court finds has violated this chapter:
- 907 (3) Suspend the registration of an individual 953 (1) Is subject to termination or other
908 registered lobbyist if the Commission finds 954 disciplinary action; and
909 that the lobbyist has knowingly and
910 willfully violated § 60-7 of this chapter or
911 has been convicted of a criminal offense
912 arising from lobbying activities. [955 (2) May be suspended from receiving payment
956 of salary or other compensation pending
957 full compliance with the terms of an order
958 of the Commission or a court.
- 913 (c) Circuit Court action.
- 914 (1) Upon request of by the Commission, the 959 (e) A County official or employee found to have
915 County Attorney may file a petition for 960 violated this chapter is subject to disciplinary
916 injunctive or other relief in the circuit 961 or other appropriate personnel action,
917 court of Talbot County, or in any other 962 including removal from office, disciplinary
918 court having proper venue for the purpose 963 action, suspension of salary, or other sanction.
- 919 of requiring compliance with the
920 provisions of this chapter.
- 921 (2) The court may: 964 (f) Violation of § 60-14 of this chapter shall be a
965 misdemeanor subject to a fine of up to \$10,000
966 or imprisonment of up to one year.
- 922 (A) Issue an order to cease and desist from 967 (g) A finding of a violation of this chapter by the
923 the violation; 968 Commission is public information.
- 924 (B) Except as provided in subparagraph
925 (B) (ii) of this paragraph:
- 926 (i) Void an official action taken
927 by an official or employee with
928 a conflict of interest prohibited
929 by this chapter when the action
930 arises from or concerns the
931 subject matter of the conflict
932 and if the legal action is
933 brought within 90 days of the
934 occurrence of the official
935 action, if the court deems
936 voiding the action to be in the

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